

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By **CHAIRMAN STANLEY FISHER**, on February 1, 2001
at 8:00 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Rep. Stanley Fisher, Chairman (R)
Sen. Arnie Mohl, Vice Chairman (R)
Rep. Tim Callahan (D)
Sen. Chris Christiaens (D)
Rep. Jeff Pattison (R)
Sen. Debbie Shea (D)
Sen. Tom Zook (R)

Members Excused: None.

Members Absent: None.

Staff Present: Mary LaFond, OBPP
Lorene Thorson, Legislative Branch
Sandra Whitaker, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: Department of Corrections,
Board of Pardons and
Administrative and Support
Division, 1/29/2001

Executive Action: None

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CHAIRMAN FISHER called the meeting to order and began with a request for the Department of Corrections. In looking at the 15% cuts that were mandated by the last legislature for each agency to address, he asked for some clarification on the reduction from 420 to 105 contracted beds in the Shelby Regional Prison. He specifically asked for information if that would violate the

contract with Shelby Regional Prison, how it would impact Shelby in regards to decreasing FTE and where those prisoners would be located. The Department will have that information for future meetings. **SEN. CHRISTIAENS** also asked about the pre-release center due to open in Shelby. **CHAIRMAN FISHER** added more information is needed on the overruns for the department this year.

DEPARTMENT OF CORRECTIONS OVERVIEW

Mr. Bill Slaughter, Director, Department of Corrections, presented an overview of the department. Since he is new to the Department of Corrections (DOC) as a recent appointee, he gave a little background information on himself. He then went on to state his goal is to restore the trust and credibility of the department with the Legislature. He commended DOC for its accomplishments over the last eight years and thanked the Legislators for their support and hard work in helping to bring regional prisons into being. He stressed in his 28 years of law enforcement, his word was his bond; he pledged now that DOC would first understand and then seek to be understood. He particularly addressed the modified positions that were added during the interim and the fact that DOC needs to be accountable to the legislature for these positions. Mr. Slaughter stated the theory is that the state does not have the resources to allow Corrections to perform all the functions it has undertaken; therefore, his goal is to streamline it down to do 5 or 6 functions that are performed extremely well with public safety always in mind.

In closing, **Mr. Slaughter** stated he intended to re-introduce a Department of Corrections that values the Legislature as a central figure in a public safety partnership.

There was some discussion on basic training for the corrections officers being done on the Montana State Prison grounds versus at the Montana Law Enforcement Academy. The DOC will look at how much time needs to be spent in training off the prison campus. Several committee members voiced appreciation of the Director's comments and his commitment to present DOC information in a direct and true manner.

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HEARING ON THE DEPARTMENT OF CORRECTIONS

BOARD OF PARDONS AND PAROLE

Mr. Craig Thomas, Executive Director, Board of Pardons and Parole, distributed a copy of the biennial report prepared for the committee.

EXHIBIT(jch26a01)

The Montana Board of Pardons and Parole is comprised of 5 members with each member being appointed by the Governor to serve staggered four-year terms. Members are confirmed by the Senate and the Governor appoints the Chair. The Board in its present state has existed since 1955; however, there has been some type of parole board in Montana since 1889. The Parole Board is part of the executive branch of government.

In speaking to the budget requests, **Mr. Thomas** stated there are present law adjustments primarily due to inflation, but no new proposals.

Mr. Thomas stated the nine paramount objectives of the Board as listed in the biennial report, section 1, page 3. The current Parole Board members are listed in the report, section 2, page 8. There are currently 2 vacant positions waiting for appointments to be made. He stated some of the background requirements for Board members. The division is made up of 8 FTE's and 5 part-time citizen board members; therefore, it is critical for them to have the support of the DOC in their daily activities through the budget, personnel, and legal departments. Office space is also provided by the DOC.

Mr. Thomas quickly went over the parole process in section 3 of the report. Laws change periodically and the process changes accordingly. The Board is given a list of offenders eligible for parole by the DOC Records Department. The Board does not pick offenders to interview.

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Also listed are the criteria for parole revocation, executive clemency, and victim services. The Montana Board of Pardons and Parole has been interested in developing a risk assessment tool. This will assist Board members in a more objective look at offenders and help in determining if they are a risk to society.

Mr. Thomas went on to state the Board was seeking American Correctional Association Accreditation and was granted that accreditation a few weeks ago. Only a few Boards nationwide have that accreditation. There were two standards they were unable to meet because of Montana statute. They can request a waiver for those; however, they are studying them at this time.

EXHIBIT(jch26a02)

The Board of Pardons and Parole is part of the DOC Administrative and Support system. Their budget is not set apart. **CHAIRMAN FISHER** asked for those figures. **Mr. Thomas** gave those as follows:

	2002	2003
Present Law Adj	\$ 29,405	\$ 36,402
Total Budget	\$430,401	\$437,398
Total for the Biennium	\$867,799	

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In the back of the report (exhibit 1) under the section marked "Figures" were several charts for the committee's information. This was statistical data on projections of cases, parole eligibility, structure of parole boards in the United States, parole releases and locations, reappearance, revocations, and type of parole violations. There was some discussion on those statistics. **Mr. Thomas** stated the majority of parole violators are for a technical offense.

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Mr. Thomas pointed out if HB 119 passes this year requiring all offenders to appear before the full Board of Pardons and Parole, the staff of the Board would need to be increased. It might be possible to use hearing examiners in absence of a board member. Hearing Examiners are appointed by the Board to conduct interviews. Recommendations are then made to the full board for action. Parole Board hearings at the regional prisons in Shelby, Missoula, Billings, and Glendive are primarily handled by a parole board member acting as a hearing examiner and takes the recommendation back to the full Board.

REP. CALLAHAN asked about the interstate compact. **Mr. Thomas** stated the paperwork is slow. However, when Montana is sending someone out of state, they are not release until paperwork is complete. **CHAIRMAN FISHER** asked if video interview were possible to do in place of traveling to avoid the expense of travel.

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Mr. Thomas replied the equipment is expensive and not in all pre-release facilities and would probably be more than the travel expense. Using someone else's equipment at a site other than

another corrections facility is not possible due to the security issues.

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ADMINISTRATIVE SERVICES DIVISION

Mr. Joe Williams, Director, Administrative Services Division gave a budget overview in a slide presentation of the Division.

EXHIBIT(jch26a03)

Mr. Williams went over the Division mission which is to support the department through service to other divisions, agencies, victims, and the public in the areas of accounting, budgeting, automation, human resources, facility management, program evaluation and statistics. He also went over the organizational chart.

EXHIBIT(jch26a04)

Mr. Williams stated briefly some of the Division's major accomplishments. They include processing nearly 250 separate employee recruitments in fiscal 2000; collecting \$262,000 in third party payment for juvenile placement; successfully implementing SABHRS computer program department-wide; implementing live scan fingerprint systems in Great Falls, Missoula, Glendive and at MSP; and responding to nearly 10,000 computer help desk calls from across the state.

Mr. Williams next presented the Division's goals and objectives. Among other goals, on July 1 they intend to shift MSP food service operation from general fund to an internal service fund cost structure which means it will become a proprietary operation on food costs. Another major goal is to maintain 99% computer system availability during normal staff work hours. It is critical for staff to be able to access information when necessary.

The Division also does population forecasting which is not what *will* occur, but what *could* occur based on certain assumptions. In response to improving projections, the Governor's Standing Committee for Inmate Projections was formed. **Mr. Williams** listed the members of the committee and added the DOC is very excited about forecasting advancements. With a 5-year forecast, it will enable the legislature to have sufficient time to be prepared for increase inmate populations. **Ms. LaFond** explained some of the methodology in forecasting.

Mr. Williams went over the mail institutional population projections and female population projections. The department is also forecasting probation and parole populations. **CHAIRMAN FISHER** asked about the differences in caseloads with the probation officers. **Mr. Slaughter** replied the larger geographical areas have smaller caseloads due to the travel time involved. Cities can have larger caseloads since they spend less time in travel. **SEN. CHRISTIAENS** suggested looking at the "old timers" on probation and possibly removing them from the caseload list if they have been living within their probation requirements.

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Mr. Williams stated from projections, it is possible to manage the population and distributed those figures for placements for males, females, and juveniles.

EXHIBIT(jch26a05), EXHIBIT(jch26a06), and EXHIBIT(jch26a07)

Mr. Williams then presented the automation project update. He gave the committee the history of moving from the Adult Correctional Information System (ACIS) to the Program Reporting of Offender Files (PRO-Files). They began looking at the system in the 1997 legislature. After encountering several setbacks, in November, 1999, they identified the shortcomings and went forward from those findings to fix the system. People who would be using the system were involved in determining the needs. The new system is now in place and working. A copy of the training manual is included with these minutes. PRO-Files will enable the entire Department to be connected statewide.

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EXHIBIT(jch26a08)

They are working toward a DOC Web-Based offender reporting web page which will have a private side for staff only and a public side.

Mr. Williams closed with some statistics about the DOC: out of more than 30,000 felony convictions in the last ten years, 72% have resulted in a deferred or suspended sentence; only three counties in Montana have no inmates incarcerated in a state correctional facility; and in the last ten years, there have been 1,197 felony convictions for DUI with 1,107 coming since the 1995 law change.

CHAIRMAN FISHER asked about the reduction in the revenue fund for the canteen. **Mr. Williams** stated as the inmate numbers are dispersed throughout the regional prisons and MSP numbers are reduced to be more in line, the canteen fund can also be reduced. It will have no effect on what is available to the inmates. There were a few other questions from the committee and discussion on the budget requests. The supplies budget has been increased due to the fact that computers are listed as supplies and not as equipment if they are under \$5000 cost.

The issue of Hepatitis C was discussed. Mr. Williams referred that question to the next presenter who was prepared to speak to that.

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Ms. Sally Johnson, Administrator, Professional Services Division, distributed information to the committee.

EXHIBIT(jch26a09)

She went over the mission statement and the organizational chart. The division consists of a Security and Licensing Bureau, Investigative Services, Legal Services, Policy/Training Bureau, Health Service Bureau, Contract Placement Bureau, and Technical Correctional Services. She gave examples of the duties of each department.

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Legal Services serves as the Judicial Liaison. The Health Services Bureau is the largest department. It deals with Managed Care, Medicaid, Dental Services, Mental Health and Medical Services at Montana State Prison and Montana State Women's Prison and contracts with Blue Cross/Blue Shield to get access to the network providers. The Technical Correctional Services handles any offender grievances. There is a procedure that must be used for offender grievances before any type of lawsuit could be filed.

Ms. Johnson stated if inmates are eligible for Medicaid, the department uses it. It may be a great deal of work, but they are aggressive in pursuing it. The benefit in returned costs are worth it. Offsite medical costs have been reduced significantly in the last year.

Ms. Johnson specifically addressed Decision Package 107 which is Zero-based Personal Services. This is employee overtime expense, holiday pay, inmate pay, employee benefits, etc.

An ongoing problem for the Division is the nation-wide shortage of nurses. Registered nurses can work anywhere and usually for higher wages that the Department of Corrections can pay. They have a significant turnover to deal with. **SEN. ZOOK** stated he has nurses living in his area who travel everywhere to work at the rate of \$5000 per week. **Ms. Johnson** stated the shortage is compounded for the DOC since working in a correctional institution is an entirely different type of nursing; nurses rarely go into schooling with a goal in mind of working for a prison. Part of a solution to the problem is to use inmates as aides. They are paid \$2.00/day which is a cost-saving factor. The inmates are highly supervised. **SEN. CHRISTIAENS** suggested looking at a program enabling inmate aids to become certified possibly through the Montana State University College of Vo-Tech.

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There was discussion on the geriatrics population in the institutions. Due to the fact that an infirmary is already in place, the geriatrics patient is managed very well. DOC is not able to give medical paroles unless they meet the disability criteria. The current numbers are 20 inmates over age 65 with 6 disabled and 14 would qualify for medicare but not medicaid. Those 14 are in good medical condition. **Ms. Johnson** stated no matter the age of an inmate, their crime is always considered in regards to parole.

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Ms. Johnson reported on the situation with Hepatitis C. She gave national statistics of infection, and MSP is running about the same 35%. There have been 11 deaths in Montana due to complications from Hepatitis C primarily in the Great Falls area and in the Native American population. DOC is looking at vaccinating for Hepatitis A and B to prevent quick deaths. If a person with Hepatitis C contracts Hepatitis A or B, they can deteriorate and die within 24 to 48 hours. She stated it will cost approximately \$140,000 in the biennium for vaccinations. **SEN. CHRISTIAENS** asked if the State of Montana is liable if vaccinations are not given. **Ms. Johnson** stated if we are not proactive, the courts will impose a program that will be more costly. If an inmate is discharged in the middle of treatment, the Department of Public Health and Human Services is prepared to continue the treatment as it must be completed to be effective.

Ms. Johnson addressed decision package 106 for physician's assistants and dental staff. Even though they would be paying \$60,000 a year for 2 FTE's, there would be a cost savings of about \$18,000 in the biennium. They are asking for the FTE's but not any additional funds. It would actually be a reduction from the contracted services previously used.

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Ms. Johnson thanked the legislators for supporting the infirmary remodel. DP 111 is a reduction of one time only equipment costs for the infirmary.

In closing **Ms. Johnson** stated bringing the inmates all back into the state has resulted in a cost savings of off site medical costs. They have also reduced the county jail hold time for a cost savings.

There was some further discussion on Hepatitis C which is due to behavior previously to incarceration usually through intravenous needle use or tattoos. There was also some discussion on the mental health and the screening process.

Mr. Slaughter commented they are open for all suggestions on how to deal with prison costs. They appreciate any and all ideas being shared.

CHAIRMAN FISHER closed the hearing.

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OFFICE RENT FOR THE BOARD OF CRIME CONTROL

Ms. LaFond asked the committee to reopen the Board of Crime Control's budget to make an adjustment on the office rent for non state owned buildings. Mr. Jim Oppedahl, Director, Board of Crime Control, stated the actual increased amount would be about \$3,000 to the general fund each year of the biennium.

Motion/Vote: SEN. CHRISTIAENS moved **TO REOPEN THE BOARD OF CRIME CONTROL'S BUDGET BE ADOPTED. Motion carried unanimously.**

This adjustment was to reflect only the increase of \$3,044 general funds in each of the biennium for rent over the base year expenditures and not the entire rent amount of \$14,735.

Motion/Vote: SEN. CHRISTIAENS moved that **THE NECESSARY ADJUSTMENTS BE MADE TO THE TWO OBJECTS OF EXPENDITURE FOR THE**

**CRIME CONTROL DIVISION TO REFLECT THE FOLLOWING FIGURES BE
ADOPTED. Motion carried unanimously.**

The figures are reflected in an exhibit with these minutes.

EXHIBIT (jch26a10)

There was discussion on readdressing the Enforce Underage Drinking Laws Grant for the Board of Crime Control. **CHAIRMAN FISHER** stated the Board of Crime Control can ask for that it so desired. **SEN. ZOOK** also asked to revisit the Attorney General's exempt salary request. That will be taken up at a later time.

Ms. LaFond distributed a copy of a two-year report following offenders through the corrections system. That report is a part of these minutes.

EXHIBIT (jch26a11)

CHAIRMAN FISHER adjourned the meeting.

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ADJOURNMENT

Adjournment: 11:15 A.M.

REP. STANLEY FISHER, Chairman

SANDRA WHITAKER, Secretary

SF/SW

EXHIBIT (jch26aad)